REMARKS

Summary of the Office Action

Claims 1-6 and 10-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Cluts (U.S. Patent No. 5,616,876) (hereinafter "Cluts").

Claims 7-9 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cluts.

Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1-6 and 10-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Cluts. Claims 7-9 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cluts. Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 1 of the instant application recites an AV information processing unit that includes a combination of features including "an example inputting device," "an extracting device," and "an outputting device."

At page 3 of the Office Action, the Examiner alleges that Cluts discloses all of the features of the "example inputting device" of claim 1 at col. 11, lines 61-67, and col. 14, lines 1-27. Accordingly, while the Office Action does not provide a specific explanation in this regard, it appears that the Examiner interprets the "more like" function and style equalizer "style EQ" feature of Cluts as meeting the features of the claimed extracting device. Applicants respectfully submit that such an interpretation is technically inaccurate for at least the following reasons.

Applicants respectfully submit that the basic features of the disclosure of Cluts are explained at col. 11, line 60 - col. 14, line 11 of Cluts. In this regard, Cluts teaches an

arrangement in which the names of artists and the names of the artists' albums are listed in alphabetical order. See col. 12, lines 46-49 of Cluts. As a result, a user can select an album, or some particular songs, so that he can make his desired playlist. Applicants respectfully submit that this is a basic feature of the disclosure of Cluts. The previously-discussed "more like" function of Cluts is utilized for identifying additional music that is similar to the user's current selection. See col. 4, lines 49-51 of Cluts. In other words, Applicants respectfully submit that the "more like" function of Cluts is performed on the premise that at least one selection by the user has been successfully completed. See also col. 16, lines 40-67 of Cluts.

On the other hand, Applicants respectfully submit that the "example inputting device" of embodiments of the disclosure of the instant application operates quite differently in that it inputs example information to illustrate the AV information having a characteristic indicated by the search characteristic information when the inputted search characteristic information is not included in the accumulated characteristic information. In other words, Applicants respectfully submit that the example inputting device performs the above processing when a user cannot search any AV information by using his inputted search characteristic information. Thus, the "example inputting device" of embodiments of the disclosure of the instant application operates on the premise that a selection by the user has not been successfully completed.

Even further, Applicants respectfully submit that in the "more like" function of Cluts, no example information is used. The user merely moves a style slider 725. See col. 16, lines 40-67 of Cluts. The example information is recorded in a table as Style Category. See col. 15, lines 35-46 of Cluts. Each information in the Style Category has a weight value. See col. 15, lines 35-46 of Cluts. Then, the moving of the style slider 725 provides an indication of the weight, so

that information in the Style Category is properly selected. In other words, in the arrangement disclosed in Cluts, the example information is predetermined in advance. An editor must determine the Style Category. See col. 15, lines 30-31 of Cluts.

On the other hand, the "example inputting device" of embodiments of the instant application inputs example information to illustrate the AV information having a characteristic indicated by the search characteristic information. A user determines the example information.

Therefore, Applicants respectfully submit that Cluts does not disclose, or even suggest, the "example inputting device" of independent claim 1 to any extent.

Similarly, Cluts does not disclose, or even suggest, the "extracting device" that uses the inputted example information, or the "outputting device" that uses the extracted example characteristic information to any extent.

While the Office Action does specifically set forth its assertions in this regard, the Examiner appears to believe that the style equalizer 'style EQ" of Cluts corresponds to the claimed "example inputting device." If this is the case, Applicants respectfully traverse such an interpretation as being technically inaccurate. In particular, Applicants respectfully submit that the style equalizer "style EQ" of Cluts is merely used for indicating the predominant style of music currently being played in the form of indicators. See col. 4, lines 51-54; and col. 19, line 65 - col. 23, line 19 of Cluts. Applicants respectfully submit that it is merely used for adjusting the mix of music played from the playlist. See col. 4, line 54 of Cluts. Therefore, the "style EQ" function of Cluts is performed on the premise that at least one of the user's selections has been successfully completed. An editor must determine the predominant style. Applicants respectfully submit that a user merely selects any of the disclosed faders.

For at least the foregoing reasons, Applicants respectfully submit that Cluts does not disclose, or even suggest, the "example inputting device," "extracting device" and "outputting device" of independent claim 1. Similar arguments also apply for independent claim 11. Accordingly, the rejections of independent claim 1 and 11 should be withdrawn.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because Cluts does not teach or suggest each feature of independent claims 1 and 11. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicants respectfully assert that the dependent claims are allowable at least because of their dependence from independent claims 1 or 11, and the reasons set forth above.

Request for Acknowledgement of Substitute Specification

Applicants respectfully submit that a Substitute Specification was filed in this application on June 16, 2004. The Examiner's acknowledgement of receipt and approval of such is respectfully requested in the next Office Communication.

Request for Acknowledgement of Claim for Priority

A claim for foreign priority under 35 U.S.C. § 119 to Japanese Application No. 2000-92993, filed in Japan on March 28, 2000, has been made in this application. A Certified Copy of this Japanese Application was filed on March 27, 2001 in this application. Applicants respectfully request that the Examiner acknowledge both the claim for foreign priority and the receipt of the certified copy of the priority document in the next Office Communication.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

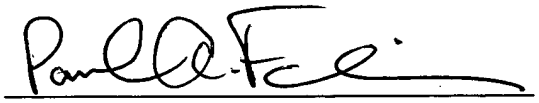
EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: November 15, 2005 By: 

Paul A. Fournier
Reg. No. 41,023

Customer No. 055694
Drinker Biddle & Reath LLP
1500 K Street, N.W., Suite 1100
Washington, DC 20005-1209
Tel.: (202) 842-8800
Fax: (202) 842-8465